IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 23363 of 2004

Between:

The Bhimadole Farmers Service Co.op.Society, Bhimadole, Bhimadole Mandal,
West Godavari District, rep., by its Managing Director, B.Sri Rama Satyavara Prasad.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Eluru, West Godavari District.
2 The Mandal Revenue Officer, Dwaraka Tirumala Mandal,
West Godavari District.
3 Mohd.Rafikur Rehman, s/o Abdul Rahaman,
4 Smt.Abida Bhanu, w/o Abdul Rehman,
5 Alkasha Bhanu, d/o Abdul Rehman,
6 Akhila Bhanu, w/o Mohd.Ameer,
(R3 to R-6 are resident of c/o Abdul Rahaman, C.I. of Police, Police Quarters, Eluru,
West Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ of mandamus or any other appropriate writ, order or direction declaring the proceedings of the 1st respondent in R.O.C.No.1080 of 2003(D) dated 11-11-2004 is illegal, arbitrary, and unjust and consequently to set aside the same and pass such other order or orders

Counsel for the Petitioner:MR.K.CHIDAMBARAM

Counsel for the Respondent Nos 1 & 2: GP FOR REVENUE

Counsel for respondents 3 to 6 : -- None

The Court at the stage of admission made the following :

ORDER:

The petitioner herein claims to be a farmers service cooperative society, registered under the A.P. Cooperative Societies Act and advancing loans to the agriculturists by mortgaging their properties. The petitioner society stated to have granted certain loans to respondents
3 to 6 herein by mortgaging their assigned lands. The petitioner society claims that before granting loan it has obtained a certificate from the concerned Mandal Revenue Officer to the effect that D-form pattas were granted to respondents 3 to 6 vide proceedings dated 22-01-1999. While so, the first respondent vide impugned proceedings dated
11-11-2004 cancelled the assignment granted in favour of respondents
3 to 6 on the ground that they are not below the poverty line and are family members of one Abdul Rehman Ex-Circle Inspector of Police, Penugonda. Questioning the said proceedings, the present writ petition is filed on the ground that the subject lands are mortgaged with petitioner society and the same can be alienated by the petitioner society for recovery of the due loan amount.

Learned Government Pleader for Revenue submitted that the impugned order clearly reveals that on enquiry it was found that certain irregularities were committed while granting D-form pattas to the respondents 3 to 6 who are family members of Ex-Circle Inspector of Police. On noticing the irregularities, a show cause notice was issued to respondents 3 to 6 and since no explanation was offered by them, the first respondent has passed the impugned order, and petitioner has no locus standi to question the same.

Heard learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

The first respondent after following the due process of law by issuing a show

cause notice to the respondents 3 to 6 has passed the impugned order canceling the D-form pattas granted to respondents 3 to 6 by recording cogent reasons for such cancellation. More over, during the enquiry it was revealed that the respondents 3 to 6 are also not residents of the Pangidigudem village and had also not filed any explanation. The petitioner, as such, cannot challenge the impugned proceedings canceling the D-form patta granted to the respondents
3 to 6. If the petitioner society has granted any loans to the respondents 3 to 6, for recovery of any due amounts, the proper remedy for the petitioner is to approach the competent Civil Court, but certainly it has no locus standi to file the present writ petition. Merely because the said lands are mortgaged with petitioner society, cannot prevent the Revenue Authorities from passing the impugned order canceling the assignment, in accordance with law.

For the fore going reasons, the writ petition fails and the same is dismissed at the admission stage. However, this order does not preclude the petitioner from availing the remedies open to it before the competent Civil Court.

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N.V.RAMANA,J

16-12-2004

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Revenue Divisional Officer, Eluru, West Godavari District.
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West Godavari District.

7.2CCs to G.P. for Revenue, High Court of A.P buildings, Hyderabad (OUT)

8.2CD copies

9.2CCs to